

NIH Labor-Management Cooperation Council Meeting Minutes
Thursday, July 17, 2003

Attendees: Clyde Bartz, Howard Hochman, Arturo Giron, Paul Donaldson, Michael Laven, Steve Rivero, Richard Laubach, Tony Clifford, Howard Gadlin, Tim Wheelles, Rick Gomez, Katie Finn, Linda Tarlow and Rita Sweeney

Facilitator: Fern Kaufman

Old Business: Minutes of May 22, 2003 meeting were reviewed, amended and approved.

New Business:

The NIH Center for Cooperative Resolution: Dr. Howard Gadlin, NIH Ombudsman. The Center for Cooperative Resolution was created in 1999 because the heads of OEO and HR were concerned about a mandate to solve problems using ADR.

Functions of Ombudsman:

1. Confidential – Acts impartially and confidentially
2. Independent – Not part of a management team. Has no authority to overrule anything or insist someone to do something
3. Neutral – Helps individual choose an option that is appropriate for them to use in addressing their issue
4. Informal – No special format to follow

In addition, the Ombudsman is responsible for identifying problems in policy, practices and procedures and to bring these issues to management's attention.

The largest categories of disputes are: 1) employee and management; 2) peer disputes; and 3) managers who seeking alternative ways to solve problems without having to use disciplinary action. Ombudsman are also asked to be facilitators on complicated decision-making processes so that everyone from a group can participate and no one has to facilitate.

Currently there are five people in the office. When an employee comes to the office, a set of options are reviewed to determine how best to address the employee's issue. Such options could be: role playing or working out a way to meet face to face with the problem individual. The employee is always told that they have a right to file a complaint/grievance/lawsuit/report to management. If they are reluctant to pursue this, then the office talks to the employee on other ways to resolve their issue. This service is available to anyone at NIH. The office is busy, but employees don't have to wait more than a few days to see someone. No fees are involved. Dr. Gadlin mentioned that his office is separate from Dorethea Taylor-Kennedy's ORS ADR Office.

A-76 Update: Tim Wheelles informed the committee that Chick Leasure has announced reviews for 04. Fire Service and IT are to be reviewed. Mr. Wheelles introduced two new staff members: Rick Gomez and Katie Finn. New rules of A-76 came out May 29, 2003. There are two types of reviews:

1. Full Generic – Basically the same but MEO doesn't have to be reviewed before accepting vendor proposals
2. Streamlining Review –Agencies may now modify their current organization. Agencies are able to create an MEO to compete in the Streamline Review process.

65 or fewer FTE's (includes contractors)

Do not have 10% buffer like full generic review. The buffer in question specifically was tied to a 10% differential on labor cost and is no longer in use in streamline studies.

A-76 only limits agencies from getting credit under the circular for direct conversions. There is nothing in the circular that restricts agencies from directly converting activities to contract when it is in the best interest of the government.

Richard Laubach said that he would like management to send out a memorandum clarifying direct conversions. Mr. Laubach said that direct conversions are still going on. Mr. Wheelles said that NIH may get contractors for work. Mr. Laubach said that NIH could go out for new work but that this is existing work. Mr. Laubach said that management is running out getting contractors and that should be done under the A-76. Mr. Wheelles will review the circular and provide comments. He will also ask the Department what their interpretation is. The Union wants to be involved in any streamlining done with their people. Mr. Wheelles will take it back to management and will try to get back with the committee at the next meeting.

Arturo Giron asked about "best value". New rules permit introduction of non-monetary factors like customer service. Mr. Laubach wants to know how the factors used by the source selection committee are determined.

Mr. Laubach has a concern about positions being studied and restudied. Rumor is that Printing is now going to Medical Arts and Photography Branch (MAPB). MAPB is scheduled to be studied in 04. Mr. Laubach asked if the employees who were previously in Printing are going to be studied again. Mr. Wheelles stated that after 3 to 5 years, Agencies have to study 20% of what was previously studied. Steering Committee decides who gets studied and what is the best process. Mr. Laubach said NIH needs to "study" before they contract out anything. The current pre-planning process will determine which activities are to be included in the scope of the study.

A-76 discussion will now be scheduled for 45 minutes.

Work Schedule Flexibility and Metro/Trans Share: Mr. Laubach wondered, with the reduction in parking and traffic issues, what is going to be the flexibility of management on arriving 5 to 10 minutes late or leaving a few minutes early. Tony Clifford said that Leonard Taylor wanted to learn more about this. Linda Tarlow will discuss with Mr. Taylor.

Miscellaneous: Mr. Laubach mentioned that there have been new changes on the loading dock (Bldg. 31). They have a contractor checking people out but they are not wearing any uniforms. Mr. Giron mentioned that a loading dock management contract was put in place a few weeks ago which covers seven loading docks. The Contract has some security related responsibility. Mr. Clifford will provide the members with more information on this.